

## REMARKS

This paper is in response to the official action dated March 14, 2003, and is timely filed as it is accompanied by a petition for automatic extension of time to file in the third month and the requisite filing fee.

As the applicants' counsel, James Zeller and the undersigned have discussed with the examiner, on August 7, 2003, and August 14, 2003, respectively, the official action came to applicants' counsel with incomplete copies of some of the cited references, including the Wolff reference, U.S. Patent No. 4,141,821. Accordingly, the examiner indicated by telephone on August 7, 2003, and on August 14, 2003, that the time period for response to the official action dated March 14, 2003, would be reset, with the approval of the examiner's supervisor. Accordingly, the applicants respectfully request that the extension fee be refunded if the period for response to the official action is indeed reset, which action is respectfully solicited.

By this amendment, headings to the application have been inserted, to bring the application in conformance with U.S. practice, as suggested by the examiner. Also, the abstract of the disclosure has been amended to remove what the examiner considered to be "legal phraseology."

Claim 6 has been amended to provide proper antecedent basis for the term "screen support member." Accordingly it is believed that the rejections of claims 6-9 under 35 U.S.C. § 112, second paragraph, has been overcome.

Claims 1-7, 10-29, and 31-35 were rejected by the examiner as anticipated by Australian Application NO. 199719011 ("AU '011"). Claim 1 has been amended to more clearly define the invention by reciting that the polymeric screen member is releasably engaged by a substantially continuous snap-in connection. Claim 1 has also been amended to remove the term "portion" from line 5 thereof, to provide proper antecedent basis for the term "peripheral frame."

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thus, an anticipation determination necessarily must involve two analytical steps. First, the claim language must be interpreted, providing the broadest reasonable construction to the various claim terms. Second, the claims, so construed/interpreted, must be compared to the prior art reference and factual findings must be made that "each and every limitation is found either expressly or inherently in [that] single prior art reference." See *Celeritas Techs. Ltd. v. Rockwell Int'l Corp.*, 47 USPQ2d 1516, 1522 (Fed. Cir. 1998). Additionally, "[t]he identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The applicants respectfully traverse the rejection of claims 1-7, 10-29, and 31-35 as being anticipated by AU '011. It is respectfully submitted that these claims are not anticipated by AU '011. Contrary to the examiner's contention, AU '011 does not disclose or suggest a screening module that includes a polymeric screen member that is releasably engaged by a substantially continuous snap-in connection with each of a peripheral frame, and an intermediate strut. Instead, AU '011 only discloses that the frame component 5 may include a cross-rib 19, but does not disclose or suggest any engagement of a screen member with the cross-rib 19.

The applicants' invention, as noted in the specification of the application, overcomes a principal problem of the AU '011 apparatus in that the "screening panel is only retained against downward flexing on the intermediate support bar." Specification at page 2, lines 27-28. Accordingly the anticipation rejection is improper and should be withdrawn.

Claims 8, 9, and 30 have been rejected as obvious over AU '011 in view of Wolff. Applicants also respectfully traverse this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of a plurality of references. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's own disclosure. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); see also MPEP § 2143 (8th ed., rev. 1 Feb. 2003).

The examiner bears the burden of establishing a *prima facie* case of obviousness and “can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To support a conclusion that a claimed combination is obvious, either (a) the references must expressly or impliedly suggest the claimed combination to one of ordinary skill in the art, or (b) the examiner must present a convincing line of reasoning as to why a person of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). It is “incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.” *Ex parte Levy*, 17 USPQ2d 1461, 1462 (Bd. Pat. App. & Inter. 1990) (citing *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984)).

The Wolff reference relates to a screening system where a monolithic screening panel is in essence pegged to a supporting grid substructure by securing pins that happen to finish flush with the screening surface. Thus, the Wolff arrangement teaches away from the use of substantially continuous engagement of a polymeric screening member to a screen support

member. In addition, the examiner has not shown any motivation to combine the teachings of the AU '011 reference with that of the Wolff reference. Thus, no *prima facie* case of obviousness has been made in the instant action, and none exists based on the combination of the applied references. Accordingly, reconsideration and withdrawal of the § 103(a) rejection are respectfully requested.

### CONCLUSION

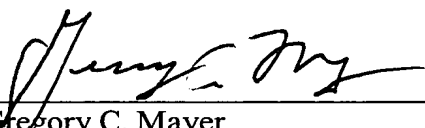
In view of the foregoing, entry of the amendments to the application, reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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